



**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

539 THEODORE LEVIN UNITED STATES COURTHOUSE
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January 12, 2022

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35463 Woodfield Drive
Farmington Hills, Michigan 48331

In Re: *Martha Grabowski v. Wal-Mart Store, Inc.*, Case No. 10-cv-13714

Dear Counsel,

It has been brought to the Court's attention while Judge Julian Abele Cook, Jr. presided over the above captioned case, he owned a small amount of stock in Wal-Mart, Inc. Although Judge Cook is deceased and cannot personally indicate such, there is an expectation that his ownership of stock neither affected nor impacted his decisions in the case. But his stock ownership would have required recusal under the Code of Conduct for United States Judges, and thus, Chief Judge Denise Page Hood directed that I notify the parties of the conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct Committee, provides the following guidance for addressing disqualification that is not discovered until after a judge has participated in a case:

[A] judge should disclose to the parties the facts bearing on disqualification as soon as those facts are learned even though that may occur after entry of a decision. The parties may then determine what relief they may seek and a court (without the disqualified judge) will decide the legal consequence, if any, arising from the participation of the disqualified judge in the entered decision.

Although Advisory Opinion 71 contemplates disqualification after a Court of Appeals oral argument, the Committee explained "[s]imilar consideration would apply when a judgment was entered in a district court by a judge and it is later learned that the judge was disqualified."

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With Advisory Opinion 71 in mind, you are invited to respond to the Court's disclosure of a conflict in this case. Should you wish to respond, please submit your response on or before February 4, 2022. Any response will be considered by another judge of this court.

Sincerely,

A handwritten signature in black ink, appearing to read 'K D Essix', with a stylized flourish at the end.

Kinikia D. Essix
Court Administrator